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SALIWANCHIK, LLOYD & SALIWANCHIK

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A Professional Association
2421 N.W. 41st Street
Suite A-1
Gainesville, FL 32606Telephone (352) 375-8100
Facsimile (352) 372-5800

OFFICIAL

TO: Examiner Konstantina T. Katcheves

FROM: Frank C. Eisenschenk, Ph.D.

COMPANY: U.S. Patent Office, Art Unit 1636 DATE: May 18, 2004

FAX NO.: 1-703-872-9306

NO. OF PAGES: 9
(INCLUDING COVER SHEET)

SUBJECT/MESSAGE:

Re: U.S. Patent Application Docket No. G-044US04DIV
NUCLEIC ACID ENCODING A RETINOBLASTOMA BINDING PROTEIN
(RBP-7) AND POLYMORPHIC MARKERS ASSOCIATED WITH SAID
NUCLEIC ACID
(Bougueleret)
Serial No. 10/071,179; filed March 19, 2002

RESUBMISSION SINCE TRANSACTION REPORT INDICATED ONLY 8 PAGES TRANSMITTED

Attachments: Petition and Fee for Extension of Time Under 37 CFR §1.136(a) (1 page)
Amendment Transmittal Letter (1 page)
Election Under 35 U.S.C. § 121 and Preliminary Amendment (6 pages)

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AMENDMENT TRANSMITTAL LETTER			ATTORNEY'S DOCKET NO. G-044US04DIV
SERIAL NO. 10/071,179	FILING DATE March 19, 2002	EXAMINER Konstantina T. Katcheves	GROUP ART UNIT 1636
INVENTION Nucleic Acid Encoding a Retinoblastoma Binding Protein (RBP-7) and Polymorphic Markers Associated with Said Nucleic Acid			

TO THE COMMISSIONER OF PATENTS AND TRADEMARKS:

Transmitted herewith is an amendment in the above-identified application.

- ☐ Small entity status of this application under 37 CFR 1.27 has been established by a verified statement previously submitted.
- ☐ Applicant claims small entity status.
- ☐ A verified statement to establish small entity status under 37 CFR 1.9 and 1.27 is enclosed.
- ☐ No additional fee is required.
- ☒ The fee has been calculated as shown below:

(1)		(2)		(3)	SMALL ENTITY		<u>OR</u>	OTHER THAN A SMALL ENTITY	
	CLAIMS REMAINING AFTER AMENDMENT		HIGHEST NO. PREVIOUSLY PAID FOR	PRESENT EXTRA	RATE	ADDIT. FEE		RATE	ADDIT. FEE
TOTAL	* 35	MINUS	** 20	15	\$ 9	\$0.00	<u>OR</u>	\$18	\$270.00
INDEP.	* 2	MINUS	*** 3	0	\$43	\$0.00		\$86	\$ 0.00
FIRST PRESENTATION OF MULTIPLE DEPENDENT CLAIM				0	\$145	\$0.00		\$290	\$ 0.00
					Total addit. fee	\$0.00		Total addit. fee	\$270.00

* If the entry in Col. 1 is less than the entry in Col. 2, write "0" in Col. 3.

** If the Highest No. Previously Paid For IN THIS SPACE is less than 20, enter "20."

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The Highest No. Previously Paid For (Total or Indep.) is the highest number found in the appropriate box in Col. 1.

- ☒ Please charge my Deposit Account No. 19-0065 in the amount of \$ 270.00.
- ☐ A check in the amount of \$ _____ to cover the filing fee is enclosed.
- ☒ The Commissioner is hereby authorized to charge payment of the following fees associated with this communication or credit any overpayment to Deposit Account No. 19-0065. Two additional copies of this Letter are enclosed.
- ☒ Any additional filing fees required under 37 CFR 1.16.
- ☒ Any patent application processing fees under 37 CFR 1.17.

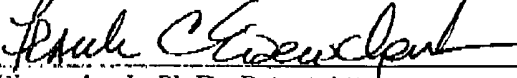
May 18, 2004

(date)

(signature)

Frank C. Lisenschenk, Ph.D., Reg. No. 45,332

I hereby certify that this correspondence is being facsimile transmitted to the United States Patent and Trademark Office on May 18, 2004.



Frank C. Eisenschenk, Ph.D., Patent Attorney

ELECTION UNDER 35 U.S.C. § 121
AND PRELIMINARY AMENDMENT
Examining Group 1636
Patent Application
Docket No. G-044US04DIV
Serial No. 10/071,179

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Examiner : Konstantina T. Katcheves
Art Unit : 1636
Applicant : Lydie Bougueleret
Serial No. : 10/071,179
Filed : March 19, 2002
Conf. No. : 2980
For : Nucleic Acid Encoding A Retinoblastoma Binding Protein (RBP-7) and Polymorphic Markers Associated with Said Nucleic Acid

Mail Stop Amendment
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313

ELECTION UNDER 35 U.S.C. § 121 AND PRELIMINARY AMENDMENT

Sir:

A Petition and Fee for a one-month Extension of Time through and including May 19, 2004 accompanies this Election. In response to the written Restriction Requirement dated March 19, 2004 in the above-identified patent application, Applicant hereby elects to prosecute the invention of Group III (claim 30 and newly presented claims 31-64), without traverse.

Prior to examination, Applicant also respectfully requests that the subject application be amended as follows:

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